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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,086	09/27/2005	Scott Allan Kendall	PU030096	4375
24498 7590 10/01/2010 Robert D. Shedd, Patent Operations THOMSON Licensing LLC P.O. Box 5312 Princeton, NJ 08543-5312			EXAMINER ANDRAMUNO, FRANKLIN S	
			ART UNIT 2424	PAPER NUMBER
			MAIL DATE 10/01/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/551,086

**Applicant(s)**

KENDALL ET AL.

**Examiner**

FRANKLIN S. ANDRAMUNO

**Art Unit**

2424

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3-8, 10-15 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-8, 10-15 and 17-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 03/01/10 have been fully considered but they are not persuasive. Applicant argues on page 8 first paragraph, "Kim relates to detecting that a counter has reached a threshold, not that signal strength exceeds threshold. Kim makes no mention of assessing signal strength and a count of square wave pulses in a received signal is not indicative of signal strength." Examiner respectfully disagrees. Kim teaches on **(column 5 lines 21-25)** the count of the detection counter does not reach the predetermined threshold, the output signal goes low in level. This clearly shows the use of a signal to indicate measure the strength of the system. In addition, **(column 4 lines 58-62)** the air-raid alarm signal of a specific frequency is received at the antenna of the radio receiver and applied to the emergency alarm signal detection circuit. This is a clear indication the system receives an input signal in a circuit to be able to detect if the threshold counter hits a threshold point. Lastly, **(column 5 lines 8-11)** shows the detection counter sequentially counts in response to the square wave pulse signals from the level comparators.
2. In addition, applicant argues on page 9 third paragraph, "Guillory does not describe providing an output if both signals strength above a threshold is detected. It fails to disclose evaluating signal strength against a threshold." Examiner again disagrees. The detection of the signal strength above a threshold is taught by Kim. In addition, it would have been obvious at the time of the invention to combine Kim and

Guillory because the result of this arrangement yields in a predictable outcome. The test for determining patentability is defined by the Supreme Court ruling in KSR, where a prima facie case of obviousness can be established by showing that the elements of the claims are known and could be combined to yield predictable results.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 8, 10, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (US 5,749,050) in view of Guillory (US 2002/0075155). Hereinafter referred as Kim and Guillory.

Regarding claims 1, 8 and 15, Kim discloses an apparatus, television signal receiver and the method for controlling an apparatus having an emergency alert function (**column 1 lines 40-45**), comprising steps of: detecting a first condition wherein signal strength on a selected channel associated with said emergency alert function exceeds a threshold (**column 5 lines 12-20**). Kim further teaches providing an output if both of said first condition wherein signal strength on a selected channel associated with said emergency alert function exceeds a threshold (**column 5 lines 22-30**).

**However, Kim is silent in teaching** detecting a second condition wherein a broadcast test associated with said emergency alert function is passed, said broadcast test including detecting reception of a test signal that is broadcast on a scheduled periodic basis. Guillory discloses on **(page 2 paragraph (0015))** a test signal is periodically transmitted to all receivers operational with the present system to ensure that the receivers are functional at all times. Guillory further teaches determining whether said test signal includes a user selected location code associated with said emergency alert function **(page 2 paragraph (0013))**. Guillory further teaches said second condition, wherein a broadcast test associated with said emergency alert function is passed **(page 3 paragraph (0033))**, said broadcast test including detecting reception of a test signal that is broadcast on a schedule periodic basis **(page 4 paragraph (0048))** and determining whether said test signal includes a user selected location code associated with said emergency alert function are detected **(page 3 paragraphs (0032) - (0035))**

Therefore, it would have been obvious at the time of the invention to include the use of a test signal unit capable of scheduling periodic tests. This is a useful combination because a system is will be reliable and problems will be addressed immediately.

Regarding claims 3, 10 and 17, Guillory discloses an apparatus, television signal receiver and the method of claim 1, wherein said test signal is broadcast on a weekly basis **(page 4 paragraph (0048))**.

5. Claims 4-7, 11-14, and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (US 5,749,050) in view of Guillory (US 2002/0075155) in view of Ganzer et al (US 5,121,430). Hereinafter referred as Kim and Guillory. Hereinafter referred a Kim, Guillory, and Ganzer.

Regarding claims 4, 11 and 18, Kim discloses an apparatus, television signal receiver and the method of claim 1 **(column 1 lines 40-45)**, Guillory further teaches a system comprised of: identifying one of said channels having higher signal strength relative to said other channels as said selected channel **(column 5 lines 13-20)**.

**However, Kim and Guillory are silent in teaching the** tuning a plurality of channels associated with said emergency alert function. Ganzer discloses on **(column 2 lines 35-40)** a tuner circuitry tuned to the channel number of the station providing service.

Therefore, it would have been obvious at the time of the invention to include the use of a tuner. This is a useful combination because the emergency unit is delivered along the signal with the highest strength.

Regarding claims 5, 12 and 19, Guillory discloses an apparatus, television signal receiver and the method of claim 4, further comprised of using said selected channel to receive emergency alert signals capable of activating said emergency alert function **(page 1 paragraph (0011))**.

Regarding claims 6, 13 and 20, Guillory discloses an apparatus, television signal receiver and the method of claim 1, further comprised of: providing a first output message if said first condition is not detected **(page 2 paragraph (0014))**; and providing a second output message if said second condition is not detected **(page 3 paragraph (0024))**.

Regarding claims 7, 14 and 21, Guillory discloses an apparatus, television signal receiver and the method of claim 6, wherein said first and second output messages each indicates a corrective action **(page 1 paragraph (0007))**.

### ***Conclusion***

6. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKLIN S. ANDRAMUNO whose telephone number is (571)270-3004. The examiner can normally be reached on Mon-Thurs (7:30am - 5:00pm) alternate Fri off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571)272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/  
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